# THE POCAHONTAS TIMES

Entered at the Postoffice at Marlinton, W. Va., as second class matter.

CALVIN W. PRICE, EDITOR.

THURSDAY OCTOBER 11, 1923


The October term of the Circuit Court of Pocahontas County. Then came his honor, the judge, and the plaintiffs and the defendants, in person and by their attorneys, and the grand jurors in and for the body of the county, and the petit juries duly drawn and qualified, and sworn to try the issue joined and a true verdict render, and the clerk of the court and the shire reeve or head man of the county, and a cloud of witnesses, and being assembled, the sheriff says: "Stand up, everybody!" and they all stood up and the sheriff opened court: "Oyez! Oyez! Silence is now commanded in the penalty of fine and imprisonment while Hon. S. H. Sharp Judge of the Circuit Court of Pocahontas is sitting! All persons who have motions to make, please to file, or suits to prosecute will now come forward and they shall be heard! God save the State and this honorable court!" And so court began to grind. I learned the ritual that the sheriff uses when I was sheriff of the moot court at the University in my law student days and I have never forgotten it.

It soon became apparent that the conditions in the county in regard to observance of law and good behavior were exceptionally good. On the occasion of the county fair, Judge McClintic gave us his blessing and said that this county was first in the keeping of the law and his words made a very profound impression and have been repeated around a thousand hearths and there is evidence of a more or less universal intention to live up to the reputation that has been earned. This is a period of halcyon days.

There was but one civil case tried, that between the local bottling works and an Italian merchant at Cass. Usually soft drinks turn away wrath while grievous whiskey stirs up anger It was a battle of bookkeepers and the jury settled it about midway between the contending parties. That brought the docket down to the crimes and misdemeanors. A man by the name of Sam Davis lies in jail one of the indicted men in the McFall murder case. Another of the defendants in that case was tried at the last court, Dudley, and having been convicted and sentenced to serve a lifetime imprisonment, his case is before the Supreme Court of appeals, and the Davis case was continued to another court.

A case was tried against Charles Wooddell of Buffalo Mountain. The charge was interfering with officers who went to his home to make an arrest. The defendant was a man of venerable appearance He wears a heavy Victorian beard, and is a member of the Dunkard church. He belongs to a family that has been in this county from the earliest pioneer times, and he has cleared and established a farm up near the top of the Allegheny where the great battle was fought. One of his sons is a valued member of the State Police. One day last spring Sheriff Beard and Constable Ashford went to his farm to arrest a couple of his sons who had been indicted for violation of the prohibition act. When the officers got to the farm one of the boys took to the brush and got away. Another of the boys was captured and the officers were trying to argue a proposition with the family that as the defendant had got into the woods and was free that if he would return and debate the question of giving bond with the officers, if he should decide at the end of the conference not to surfender that he would have safe conduct into the woods again.

The air seems to have been charged with electricity largely on account of the old gentleman getting into a tremendous fit of rage. One of the points that he raised was that the officers could not come to his house and make an arrest on Sunday. This was largely nullified as a prevailing point of argument by the fact that the officers had done so. The kind of rage that the protestant exhibited was exemplified by frothing at the mouth, and yet with all his anger, the officers say that no unseemly word issued from him. It is apparent that he does not engage in profane language under any circumstences. But weight was added to his words from the appearance of an old he-revolver in a scabbard upon his chest, and there is no doubt that he was treated with great respect. There was some conflict in the evidence about this gun. The defendant says he wears it habitually upon his premises and has for many years owing to some word he got about the intentions of a hostile neighbor. The officers say that he armed himself during the controversy.

About the time the conversation had reached its climax, the son who was in charge ran away, the bullets cutting close around his legs and has not been heard from so far as the law is concerned since. The sheriff running after him sprained his ankle and had a hard time getting back to the car. The boy who had got to the woods was at the trial and testified that he had watched the dispute from cover and could hear the sound of the voices but could not distinguish any of the words. There seemed to have been one cuss word used in this late battle of the Alleghany. It seems that Constable Ashford who is no longer the slim handsome lad that he used to be, concluded that he had one more race in him, and he took after the first boy that had fled and that for some jumps had made a pretty good race. But it was apparent from the appearance of the two men the other day that it was a most unequal contest. And the constable becoming winded and seeing the man he held a capias for enter the cover of the wood was only able to gasp out: "Damn a Woodell anyway!" and so gave up the chase. The use of this naughty word was securely fastened on the constable.

The jury brought in a verdict of guilty and the judgment of the court was that the defendant render unto the state of West Virginia the sum of fifty dollars and the costs of the suit. The result seems to have given general satisfaction. The occurence could not have been condoned very well, and at the same time no one wanted to see the chieftain go to jail. To me the case had great dramatic interest. And I do not think that there will be any surviving hatred or malice grow out of the affair. The sheriff in his private capacity bought the calves off of the Wooddell farm this fall and that indicates that there is no feud between the houses.

A peculiar case was presented from Cass. Last summer a boy by the name of Taylor was brought to the hospital at this place with a bullet in his heart. It had been shot in there the evening before and after mashing a rib become embedded in the heart muscles. The doctors took an X-ray picture of the injured boy and then cut the bullet out and the patient in about five weeks was restored to his friends and his relations as good as new. A considerable triumph for the doctors.

At the time of the operation the boy told the doctors that he had been shot through an accident.

The man behind the gun was Romeo Rose, seventeen years old.

One evening at Cass the four boys were in the business part of the town and they decided to seek some relaxation outside the busy marts of trade. Young Taylor and a boy by the name of Buzzard, who was all of thirteen years of age, walked up the road on the east side of the river and up under a hemlock tree by the side of the road they found a pack of playing cards and sat down to play the old army game of set back.

Young Rose and a boy by the name of Kellison knew of a place up the river where they sometimes played poker and honing for a game they passed on up by the setback players. Arriving at the place where they expected to find a game of poker going on, they found no one there, and not having a quorum, the meeting adjourned and they loafed back to town Arriving in the road opposite the the two boys who were absorbed in the game of cards, Rose shot Taylor through the heart.

The evidence then conflicts to some extent. Taylor says that Rose drew a thirty-eight revolver and without raising it to his shoulder shot from the hip saying: "Damn you dance!" None of the other boys could remember hearing any such command But anyway Taylor fell over screaming that he was shot Rose threw his pistol far away from him and showed the utmost astonishment and concern, crying and protesting that he had not meant to shoot. The theory of the defense as stated by counsel was that the pistol was discharged more or less casually and that not in the direct line of the wounded boy but to one side and that the bullet glanced from a bit of rock or some other surface and wouuded the lad. One peculiar feature was the fact that the bullet had gone entirely through the left arm and into the heart and had made a hole in the sleeve of the coat where it entered and had made no hole in the sleeve where it passed out

Rose gathered up his victim and conveyed him to his home and set up with him all night and the authorities at Cass were evidently somewhat puzzled over the affair for the justice tried him for carrying a pistol and sentenced him to jail for six months and it was while he was serving that sentence that the trial on a charge of malicious wounding was had. The boy showed the signs of confinement in the pallor of his face and was much disturbed in his mind. He had no means to hire an attorney and Senator McNeil was appointed by the court to defend him. The defendant could not explain how the gun came to go off. He rather thought that the gun had become cocked in his pocket and that he was shifting the gun from one pocket to the other when it went off and hit an innocent bystander. There was full and complete evidence that the shot was not fired in anger, and the most plausible theory developed was that of the practical joker trying to make another ridiculous by compelling him to dance to the music of a six-shooter something that can be seen in the moving pictures but not elsewhere.

The court refused an instruction in regard to accidental shooting as presented by the defense because it did not take into consideration the fact that in carrying the gun the prisoner was engaged in an unlawful act and that negligence under such circumstances was not to be excused by order of the court.

The jury was out a long time but brought in at length a verdict of acquittal. There was much to mitigate in favor of the prisoner, for there was so much evidence of the foolishness of youth, and of a quick and spontaneous spasm of remorse, as evidenced by throwing the deadly revolver away, and care for the wounded, and the night of anguish. And then too was the long jail sentence It is safe to say that he has lost all his love for revolvers.

It was clearly a case that could not have happened but for the carrying of concealed weapons. A boy has just about as much use for a pistol as he has for a carbuncle.

A very peculiar case was called for trial and disposed of that presented more interest for the psychologist than for the courts. Last fall in the Green Bank District a man driving a wagon along the public road dropped a bag of flour from his load, and Howard Wooddell, a son of Prof. Ezra Wooddell, was arrested charged with stealing it. As reported to me, it involved a question of whether the flour had been picked up with the intention of appropriating it or preserving it for the true owner. There is a lot of law about finding lost articles. There was the case of the young woman who found a lot of money in the sub-way in New York and the guard running the train took it away from her under one of the rules of the company as to lost articles. Upon a discussion of that case it was decided that the finder of a lost article has title to it against everyone except the true owner, and that if the owner does not appear to claim it that the finder keeps it. And that is that.

Young Wooddell was arrested and tried before Squire Sutton and found guilty of a charge of petit larceny and was held for the payment of a fine of twenty dollars and costs Not being advised and wanting his freedom he purchased his peace by paying the fine and costs and was released from custody. Upon his return home, probably after conferring with his father, the teacher, the stigma of the charge of larceny being so great, a scandalous crime in fact, an appeal bond was filed and the case was on the docket for trial.

The prosecuting attorney learning that the defendant had been tried and the fine paid into the treasury of the State, moved for the dismissal of the appeal, on the ground that he could not be tried again and that the whole matter now before the court was a moot question. And the court holding the issue to be one that had been settled in a previous trial, or to make it plain, res adjudicata, the case could not be tried again, for if it resulted in a conviction, the prevous finding of a court and the satisfaction of the judgment would be an effectual bar against the imposition any additional penalty, and so the appeal was dismissed and the defendant went without day.

During this term of court there was a matter discussed in the court house that presented some interesting features for those of us who have been accused of being obscurants A young fellow who was in the eighth grade last year was trying to break into the high school and continue his education. The officer had the elementary certificate that would entitle him to instruction in the higher walks of public school education if genuine, and if not genuine might possible constitute a crime against the peace and dignity of the State In other words, it was a question of whether he would break into high school or into jail. These elementary examinations are held annually and the certificates are signed by the State Superintendent, by the County Superintendent, by the President of the Board of Education, and by the Principal of the school. It is a very important looking document, suitable for framing and is a first fruit in the life of learning. They should be preserved carefully and disposed of by will to some member of the family who will preserve them after the winner is no more. Item 8. My elementary certificate I will to my daughter Emily.

The certificate appeared to have been one originally issued to some successful student and to have been changed. One weakness that it exhibited was that it had the name of the present County Superintendent who came into office July 1, and had nothing to do with the last crop of elementary certificates. That was for the outgoing officer. Probably feeling the weakness of the evidence, a typewritten letter was filed with the certificate, purporting to come from the County Superintendent whose name is signed in typewriting, and this letter indicates that the County Superintendent found that that the style of diction was a trifle too involved for the intelligence of the average superintendent, saying that as there were no new blanks "i haft" to send an old one.

No action has been taken in the case if it is one. I am inclined to volunteer as counsel for this youth who turns his back on the primrose path of dalliance, and takes the steep and thorny way to higher education.

The heights by great men reached and kept,
Were not attained by sudden flight,
But they while their companions slept,
Were forging upward in the night.

The same day that my attention was called to the papers in this case, I was reading a New York paper containing an account of an effort made to steal a cobra from the Bronx zoo The burglar had bored a hole through the side of the snake house and through the cage and had been trying to get the snake on a snake stick, when he had evidently been frightened away for he left the snake stick on the floor of the cage. I connect these two futile efforts in my mind as being impulses of weird imaginations unusual, to say the least.

The average man would not accept a cobra as a gift. And the average child would not go to any great lengths to break into school. The case of the student may appeal to me more than to others, for I remember one time when in the middle of the term I was promoted from the fourth reader to the fifth reader, and I could not take advantage of the honor because the family exchequer would not stand for the drain of buying a new book, and I remember how crushed and humiliated and disappointed I was. In those days that was the way the grades were designated. It was according to the reader that you were in. And when I finally made the grade it was lacking the thrill of the unexpected promotion that I was not able to accept.

There is something so virtuous and noble in a desire for an education, that it seems to sanctify the crime.


A share of your business solicited

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Successor to Goodsell Insurance Agency

Life, Fire and Accident, Automobiles and Live Stock, Bonds of all kinds, Money to Loan on Farms.

Office 2nd floor, First National Bank Building.


CAR FOR SALE

A Ford Coupe, 1923 model, has been run about 500 miles, set of chains extra new wheel rims and tires. etc. Price $450.

W. S. Camden,
Marlinton, W. Va.





C J. Richardson

Marlinton, W. Va.


## Farm For Sale

I have a farm consisting of about 65 acres, which I will sell, 1-2 mile from Frost, on the State Road, 1-2 mile from stores, church, and 2 room school building, five room house, with good barn, and other out buildings, good orchard & etc. Price right on easy terms. If interested, call or write me at Frost, W. Va.

Earnest G. Sharp

## ATTENDANCE AT PUBLIC SCHOOLS

Bulletin No. 12

The person who has actual or legal charge of a child not less than seven nor more than fourteen years of age, is required by law to see that such child attends free school for the full term, unless the child comes under the excepted clauses. Failure to see to such attendance constitutes a misdemeanor with severe penalties The following are some of the exceptions:

The child is to be excused if in attendance at a private school.

In some cases where a child is privately tutored by a competent person on subjects taught in elementary schools.

Physical or mental incapacity.

Death or serious illness in the immediate family.

Extremely poor persons.

Where it is dangerous to reach school as in case of flood or where the building has been condemned as unsafe.

More than two miles to travel.

When absence is occasioned by attendance at church services.

Other causes accepted as valid by the county superintendent.

Under this clause I do not wish to lay down any rules at this time, as the teachers themselves will appreciate the circumstances as they arise and excuse the pupils or not as they in their discretion deem proper. For we all know what an event a trip to strange parts constitutes in a child's life. Teachers should acquaint themselves with the lives and habits of thought of their pupils and confer often and constantly with the parents and if this is done, it is not likely that mistakes will be made.

If children live over two miles from school effort should be made to induce them to come to school.

In case the teacher after seeing the parents and pupils feels the necessity to invoke the law as to compulsory attendance write to the Attendance Officer of the district. Do not report to this office as it is a matter under the Board of Education, the Attendance Officer and the Justice of the Peace. If advice is wanted, write this office. But do not ask the County Superintendent to start prosecutions, as cases involving this law may come before this office judicially, and in such a case it would not be consistent to be judge and prosecutor both.

Anna M. Wallace,
County Supt.

## IS IT AN ACCIDENT

The United States maintains the most comprehensive system of public education in the world.

The per capita income in the United States is higher than for any other nation. Farmers of the United States per worker 2.3 times what the farmer of the United Kingdom produces, 2.5 times what the German farmer produces; 3.2 times what the French farmer produces, 6.5 times what the Italian farmer produces. Is it an accident?

Farmers of the United States sent their children to school less regularly and fewer days per year and fewer years than commercial, clerical banking and professional classes.

Agricultural workers constitute 28 per cent of the total of occupational workers and get 17.4 per cent of the national income. Commercial, clerical banking, professional and miscellaneous classes constitute 32 per cent of the total of occupational workers and get 40 per cent of the national income. Is it an accident?

California enrolls a higher percentage of the population in high school than any other State. The State university at Berkeley enrolls twice as many farm bred students as any other State university.

Out of the 50 agricultural counties in the United States realizing the highest net income California has 13 and out of the 10 highest counties California has 4. Is it an accident?

CARD OF THANKS

We wish to thank the good people of Clover Creek, Stony Bottom and elsewhere for the kindness and sympathy shown us during the sickness and death of our dear son and brother William Leonard. Also wish to thank Dr. Moomau for his faithfulness during his sickness. May God's richest blessings rest upon them all is our prayer.

Mr. and Mrs. W. H. Barkley and Family.

FOR SALE CHEAP— One 3 1-2 Milburn wagon can be seen at my place just below Campbelltown.

W. WOODDELL

## Notice to Tax Payers

Notice is hereby given that the undersigned Sheriff of Pocahontas County will attend in person or by deputy at the following time and place for the purpose of collecting taxes due:

GREENBANK DISTRICT

| | |
|---|---|
| Thornwood | Nov. 1, in morning |
| Bartow | Nov 1, in afternoon |
| Durbin | Nov 2 |
| Hosterman | Nov 3, in morning |
| ottingham | Nov 3, in afternoon |
| Cass | Nov 5 and 6 |
| Spruce | Nov 6 at night |
| Raywood | Nov 7, after 4 p m. |
| Boyer | Nov 10 |
| Arbovale | Nov 12 |
| Greenbank | Nov 13 |
| Dunmore | Nov 14 |

I will visit the taxpayers of Wildell and May in person before the end of the discount period.

EDRAY DISTRICT

| | |
|---|---|
| Stony Bottom | Nov 8, till noon |
| Cloverlick | Nov 8, afternoon, night |
| Onoto | Nov 23, until 3 p. m. |
| Mace | Nov 12, in morning |
| Brady | Nov 12, in afternoon |
| Linwood | Nov 13, until 2 p. m. |
| Slatyfork Commissary, Nov 13, after 4 p. m., and Nov 14 until 10 am | |
| Elk, Robt Gibson's, Nov 14, afternoon | |
| Edray | Nov 10 |
| Buckeye | Nov 24 |
| Marlinton | Nov 26, 27, 28 |

HUNTERSVILLE DISTRICT

| | |
|---|---|
| Frost | Nov 5 |
| Minnehaha Sprgs. | Nov 6 |
| Huntersville | Nov 7 |
| Clawson | Nov 8 |

LITTLE LEVELS DISTRICT

| | |
|---|---|
| Droop Mt., Wallace Kershner, | Nov. 5 |
| Locust | Nov 6, in morning |
| Beard | Nov 6, in afternoon |
| Seebert | Nov 7 |
| Millpoint | Nov 8 |
| Hillsboro | Nov 9 |
| Lobelia | Nov 10 |
| Jacox | Nov 12 |

With the exceptions of dates listed above, books will be found at the following places:

Greenbank District, B. B. Beard's, Bartow
Edray District, in office, Marlinton
Huntersville District, at Elmer Moore's, Minnehaha Springs
Little Levels District, at T. A. Bruffey's, Hillsboro.

A discount of 2 1-2 percent will be made to all persons who pay their taxes on or before the 30th day of November, 1923. Interest the rate of 10 percent per annum on the amount of each tax bill will be added thereto from the first day of January, 1924, until payment.

B. B. BEARD, S. P. C.


**After Every Meal**

A universal custom that benefits everybody.

Aids digestion, cleanses the teeth, soothes the throat.

**WRIGLEY'S**

a good thing to remember

Sealed in its Purity Package




THE FLAVOR LASTS


FIDUCIARY NOTICE

The accounts of Calvin W. Price, Executor of Lettie Rogers are before the undersigned commissioner of accounts for settlement.

Given under my hand this 5th day of October, 1023.

P. T. WARD,
Commissioner of Accounts.

## DESIGN OF WASHINGTON MEMORIAL

The design for the George Washington Masonic National Memorial at Alexandria, Va. is taken from those of the ancient towers built by the Greeks and the Romans to mark the entrances to their harbors and on whose summits great flaring beacons lighted the way of the mariner at night. The architects say of it: "The great tower of the memorial represents to the world at large the guiding spirit of Washington in statesmanship and his revered precepts which for all time will set an example by which the Ship of State may direct its course." The cornerstone of this stately edifice, in the city where General Washington was the Worship ful Master of a Blue Lodge of Masons will be laid on Thursday, Nov. 1. 1923. This occasion will witness the greatest assembly of members of the Masonic order in the history of the country.

Reduced rates on all railroads have been made for those who will journey to Washington, D. C. for the ceremonies in connection with the laying of the cornerstone of the George Washington Masonic National Memorial Nov. 1. The largest number of Masons ever assembled at any one place at any one time is promised for these ceremonies, which will take place at Alexandria, Va. just outside the city of Washington.

CARD OF THANKS

We wish to express our thanks and appreciation to all friends for the many acts of kindness and sympathy shown during the illness and since the death of our dear father. May God's richest blessings abide with you

Mrs. Rebecca Adkison Ashley,
Mrs. Mattie Adkison Hayes.





*Announcement*

The new Ford cars are now ready for your inspection, introducing changes that improve the appearance of the various body types and increase their comfort and utility.

They offer you not only economical and dependable transportation, but also a more attractive style and a greater share of motoring convenience —a combination that makes the outstanding value of Ford cars more impressive than ever.

See the new Ford models now on display in our showroom.

*These cars can be obtained through the Ford Weekly Purchase Plan.*

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Marlinton, W. Va.

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## Hampshire Rams

Thoroughbred registered Hampshire Rams for sale. Fine specimens of this noted breed so well adapted to Greenbrier Valley conditions.

R. P. Welford & Son
Nov 1. Hillsboro, W. Va.

## Crochet Work

Done at a reasonable price. Satisfaction guaranteed or money refunded.

Mrs. Lena Colson
Locust, W. Va.

## Notice

100 head of high bred range ewes ranging in age from 4 to 6 years old, 1 dry cow, 1, 3 year old Herford Bull, 5 shotes will weigh about 100 lbs. each, price $10.00 each at the farm. 3, 60 lbs. cans extract honey 20c lb.

L. D. Sharp
Edray, W. Va.

## Building Material

Yellow pine, floor and ceiling, poplar siding, casings and trimmings for inside and out. Door and window frames made to order, also dimension work.

R. S. JORDAN,
Marlinton, W. Va.

NOTICE

To all merchants and every one else, my wife Xenie White has left my bed and board and I will not stand responsible for any debt or debts she makes.

This the 8 day of September 1923.

Hoy White

ESTRAY HOG—Good sized sow, unmarked, looks to be about 1 1-2 years old, has been at my place on Greenbrier river near Clawson, since about the first of last April. Owner can have same by paying cost of keep and advertising. E. L. Friel, Marlinton, W. Va.

LOST:—A pair of tortoise shell eye glasses with gold bow, double lens, in Marlinton on Monday, October 1. Please return to Star Bakery.

POSITION WANTED by a middle aged woman to do house work. Apply to Mrs. Lou Jones, Cloverlick W. Va.


**DELCO-LIGHT**

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Write or phone for Catalogue

ACCESSORIES and SUPPLIES

**Marlinton Electric Co.**

DEALERS


## Notice

All persons having claims against the estate of Andrew Adkison will please present the same to me properly proven, at once, and any one owing his estate please come forward and settle.

N. C. McNEIL, Adm'r.
of Andrew Adkison, Deceased.
Oct. 2, 1923: 4wks.


**Pocahontas Junk Co.**

Marlinton, W. Va.

—Buyers—

Scrap iron, coppers, brass, waste paper, metals, rags, bones, beef hides, calf skins, live poultry and all waste materials.

TED McELWEE, Prop.
Marlinton, W. Va.


## For Sale

House and two lots at Riverside Addition to Marlinton, five room cottage building fitted with electric lights, good out buildings. Price reasonable, if interested call on.

L. V. Sizemore,
Marlinton, W. Va.

NOTICE

I hereby notify all parties that my wife, Leona P. Alderman of the 17th day of September 1923 left my bed and board without cause therefore I will not be responsible for any debts board bills or any other transactions in any way she may make from this date on.

Samuel N. Alderman.
Huntersville, W. Va.





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